



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
CARIBBEAN ENVIRONMENTAL PROTECTION DIVISION
CITY VIEW PLAZA II, SUITE 7000
GUAYNABO, PUERTO RICO 00968-8069

JULY 19, 2020

BY ELECTRONIMAIL TO:

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Thomas Trebilcock
Counsel
Trebilcock & Rovira, LLC.
Metro Office Park, Bldg 11, Suite 105^a,
Guaynabo, Puerto Rico 00968

Re: Request of Modification of Deadline under Order CWA-02-2020-3106
Palmas de Cerro Gordo Pump Station
Tracking Number PRU020631

Dear Counsel:

On May 19, 2020, the United States Environmental Protection Agency ("EPA") issued an Administrative Compliance Order ("Order"), Docket No. CWA-02-2020-3106, against Mr. Michael J. Spector, Estancias de Cerromar, Inc. ("Estancias"), Margo Garden Products, Inc., and Margo Caribe, Inc. (together herein after referred as "Respondents") for discharging pollutants into waters of the United States without NPDES permit coverage from Respondents' Palmas de Cerro Gordo Housing Development Pump Station (the "Pump Station"), in violation of Sections 301 and 402 of the Clean Water Act, 33 U.S.C. §§ 1311 and 1342.

On May 19, 2020, EPA received an electronic mail from you acknowledging receipt of the Order. On May 29, 2020, EPA received by electronic mail (the "May 29 Email") the signed acknowledgment of receipt and the certification that the discharges of pollutants have ceased as required under paragraphs 48 and 50 of the Order. Therefore, EPA considers the requirements specified under Ordered Provisions 48 through 50 of the Order to be met. Furthermore, in the May 29 email, a request for an opportunity to confer with EPA about the Ordered Provisions was made pursuant paragraph 58 of the Order. Accordingly, on June 4, 2020, a conference call was held between the parties to talk about this matter.

On June 9, 2020, EPA received a letter by electronic mail in which, on behalf of your client Estancias, you are requesting that the Ordered Provisions 51, 52, 53, and 54 of the Order be held in abeyance for 90 days to allow your client to advance efforts with the LPCG Homeowners Association ("LPCG") for the Puerto Rico Aqueduct and Sewer Authority ("PRASA") to accept the transfer of ownership of the Pump Station and that weekly reports of

the ongoing efforts with LPCG and PRASA would be submitted during this period of time. In the alternative, you are requesting EPA to extend the due dates of the deliverables contained in paragraphs 51 through 54 of the Order for a minimum of 90 days. Also, in the letter, you requested the dismissal of the Order as to Michael J. Spector, Margo Garden Products, Inc. and Margo Caribe, Inc. since Estancias was the developer and has always been the owner of the Pump Station.

EPA has determined that all parties meet the definition of owner and/or operator pursuant to section 502(5) of the CWA, 33 U.S.C § 1362(5), and its implementing regulations found at 40 C.F.R. § 122.2, therefore, Michael J. Spector, Margo Garden Products, Inc. and Margo Caribe, Inc. will remain as Respondents with respect to this Order.

EPA is very concerned there is still no permanent electric power at the Pump Station and its operation is still being managed with an alternate emergency power generating unit ("APU"). It is extremely important for the Pump Station to be operating at all times and for Respondents to ensure such. Accordingly, although EPA will not accept holding in abeyance the Order for 90 days nor accept extending the due dates of the deliverables contained in paragraphs 51 through 54 of the Order for a minimum of 90 days, considering the recent efforts made by the Respondents together with LPCG towards having the Pump Station transfer to PRASA, EPA is hereby extending the due dates of the deliverables contained in paragraphs 51 through 54 of the Order by forty-five (45) calendar days from their original due dates as follows:

1. By no later than July 18, 2020, Respondents shall comply with the requirements under Ordered Provision 51 of the Order (originally due by no later than June 3, 2020);
2. By no later than August 3, 2020, Respondents shall comply with the requirements under Ordered Provision 52 of the Order (originally due by no later than June 18, 2020);
3. By no later than September 1, 2020, Respondents shall comply with the requirements under Ordered Provision 53 of the Order (originally due by no later than July 18, 2020); and
4. By no later than September 1, 2020, Respondents shall comply with the requirements under Ordered Provision 54 of the Order (originally due by no later than July 18, 2020).

Notwithstanding the extension of the due dates, Respondents should take all the necessary measures to ensure that all the equipment is working adequately to prevent sanitary sewer overflows ("SSOs") from occurring as a consequence of any operational failure of the Pump Station. To that effect, Respondents must record the following information in the Pump Station's logbook:

1. All visits to the Pump Station;
2. Operational status of all equipment;
3. Any visual inspection performed (e.g. level of the wet well, presence of excessive grease build-up on surface of the wet well, rags build up in the wet well, debris build up in the bas screens, etc.);

4. Any maintenance done to any equipment (e.g. pumps, APU, cleaning of wet pit, etc.);
5. Operational status of the APU, including, but not limited to, any observation made as to the fuel level, the oil level, and its general condition;
6. Any complaint received involving reported SSOs as a consequence of any operational failure of the Pump Station; and
7. Report all the SSOs to EPA within 24 hours from its occurrence.

As proposed by Respondents, EPA looks forward in receiving the weekly progress reports informing about Respondents' ongoing efforts with LPCG and PRASA in transferring ownership of the Pump Facility to PRASA. In such weekly reports, please also include all the efforts made leading to securing a permanent stable energy source at the Pump Station and all the action taken or to be taken to conduct permanent repairs and frequency of equipment maintenance being conducted to maintain a sustained operation of the Pump Station to prevent SSOs from occurring.

Please, remember that all documents submitted to EPA shall meet the requirements specified in paragraphs 56 and 57 of the Order.

If you have any questions or would like to discuss this matter, please contact me at (787) 977-5859 or via electronic mail at rivera-ocasio.evelyn@epa.gov. Technical matters should be addressed by contacting Mr. Héctor Ortiz, Lead Environmental Engineer at (787) 977-5883 or through electronic mail at ortiz.hector@epa.gov.

We urge your prompt attention to this matter.

Sincerely,

Evelyn Rivera-Ocasio
Assistant Regional Counsel
Office of Regional Counsel-Caribbean Programs

cc: Ángel Meléndez, EQB (w/enclosure via email)